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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/840,437	04/23/2001	Tadamasa Kitsukawa	50P4416	4173

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EXAMINER

SRIVASTAVA, VIVEK

ART UNIT

PAPER NUMBER

2617

DATE MAILED: 11/17/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/840,437

Applicant(s)

KITSUKAWA ET AL.

Examiner

Vivek Srivastava

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3 and 5-27 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3 and 5-27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Reopening of Prosecution After Appeal Brief or Reply Brief

In view of the appeal brief filed on 9/7/05, PROSECUTION IS HEREBY REOPENED.

To avoid abandonment of the application, appellant must exercise one of the following two options:

(1) file a reply under 37 CFR 1.111 (if this Office action is non-final) or a reply under 37 CFR 1.113 (if this Office action is final); or,

(2) initiate a new appeal by filing a notice of appeal under 37 CFR 41.31 followed by an appeal brief under 37 CFR 41.37.

The previously paid notice of appeal fee and appeal brief fee can be applied to the new appeal. If, however, the appeal fees set forth in 37 CFR 41.20 have been increased since they were previously paid, then appellant must pay the difference between the increased fees and the amount previously paid.

A Supervisory Patent Examiner (SPE) has approved of reopening prosecution by signing below:



**CHRISTOPHER GRANT
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600**

Allowable Subject Matter

The indicated allowability of claims 4, 11 and 19 is withdrawn in view of the newly discovered reference(s) to Nishigaki et al. Rejections based on the newly cited reference(s) follow.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1, 25 and 26 are rejected under 35 U.S.C. 102(e) as being anticipated by Macrae et al (US 2004/0103439).

Regarding claim 1, Macrae teaches a gateway screen for an interactive television (see fig 3 and fig 4) comprising at least one television content panel 42 (fig 3 and fig 4) and at least one internet content panel 46 (fig 3 and fig 4). It is noted that television content panel 42 continuously displays television content (see para [0031]) and internet content panel 46 provides a listing of internet website content (see para [0031]). It is noted that the gateway screen (fig 3 and fig 4) is displayed when a user

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toggles an internet / TV button 56 or 'gateway screen button' on a remote control (see fig 5 and para [0031]). It is noted that Macrae meets the claimed 'the gateway screen being displayed when the interactive television initially is turned on, **and/or** in response to the consumer toggling a gateway screen button'.

Regarding claims 25 and 26, Macrae discloses the information at the internet site corresponding to the transmitted site address is preferable related to the content of the program currently being telecast in the television signal (see para [0044]). It is noted that since Macrae discloses a currently telecast television signal, Macrae discloses received 'real-time' broadcast signal.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 2, 3, 5 – 8, 11 and 19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US2004/0103439) in view of Schaffa et al (US 5,973,685) and Nishigaki et al (US 5,377,357).

Regarding claim 2, as discussed in claim 1 above, Macrae discloses a gateway screen displayed by an interactive television, at least one television content panel and

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at least one Internet content panel displaying content related to the content in the television panel.

Macrae fails to disclose the menu/EPG gateway screen (fig 3 and fig 4) is displayed at least upon initial energization of the television.

In analogous art, Schaffa teaches a system in which upon **power-up** of the system by the user, the system initializes itself by displaying an EPG enabling a user to make a selection from among the choices displayed (see col. 4 lines 1 – 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Macrae to include the claimed displaying of the gateway screen upon initial energization of the television for the benefit of providing a user with automatic display of a menu/EPG enabling a user to more quickly and with less user interaction select a desired video or access related internet information.

The combination of Macrae and Schaffa fails to disclose the claimed wherein the gateway screen is a last screen displayed in response to receiving a signal to deenergize the interactive television.

In analogous art Nishigaki teaches a computer display system wherein when a computer is started in a resume mode, an application software program is directly started, and a display screen immediately before power-off is resumed (see col. 1 lines 42 – 45 and fig. 7). Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to further modify Macrae and Schaffa to include displaying the gateway screen is a last screen displayed in response to receiving a signal to deenergize the interactive television, based on the teaching of

Nishigaki for the benefit of displaying the gateway screen automatically when the user resumes watching television.

Regarding claim 3, Macrae discloses displaying the gateway screen (see fig 3 and fig 4). Necessarily, the screen must be displayed when the TV is turned on.

Regarding claims 5 and 6, Macrae discloses the gateway screen (fig 3 and fig 4) is displayed when a user toggles an internet / TV button 56 or 'gateway screen button' on a remote control (see fig 5 and para [0031]).

Regarding claims 7 and 8, Macrae discloses the television content panel 42 and 44 (fig 3 and fig 4) include content from a television station 96 (fig 7) and internet content panel 46 (see fig 4) includes content from ISP web server 33 (see fig 1, fig 3, para [0031], [0032]).

Regarding claims 11 and 19, the combination of Macrae and Schaffa fails to disclose the gateway screen is displayed in response to receiving a signal to deenergize the interactive television.

Claims 9, 10, 12 – 18 and 20 – 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US2004/0103439) in view of Schaffa et al (US 5,973,685).

Regarding claim 9, Macrae discloses an interactive television system comprising at least one ISP 33 web server (see fig 1 and fig 7), at least one cable provider or 'interactive television system server' (see para [0042] which carries a signal sent by a television station 96 or television 'signal source' (see fig 7 and para [0042]) for

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providing television content and internet content to an interactive television 20 (see fig 1 and fig 2). Macrae further discloses the interactive television displays a gateway screen (see fig 3 and fig 4), wherein the gateway screen comprises a television content region 42 and 44 and internet content region 46 (see fig 3 and fig 4) which is periodically displayed when a user selects internet / TV button 56 (see fig 5) on a remote control (see para [0031]).

Macrae fails to disclose the gateway screen being automatically displayed upon energization of the television.

In analogous art, Schaffa teaches a system in which upon **power-up** of the system by the user, the system initializes itself by displaying an EPG enabling a user to make a selection from among the choices displayed (see col. 4 lines 1 – 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Macrae to include the claimed displaying of the gateway screen upon initial energization of the television for the benefit of providing a user with automatic display of a menu/EPG enabling a user to more quickly and with less user interaction select a desired video or access related internet information.

Regarding claim 10, Macrae discloses displaying the gateway screen (see fig 3 and fig 4). Necessarily, the screen must be displayed when the TV is turned on.

Regarding claims 12 and 13, Macrae discloses the gateway screen (fig 3 and fig 4) is displayed when a user toggles an internet / TV button 56 or 'gateway screen button' on a remote control (see fig 5 and para [0031]).

Regarding claims 14 and 15, Macrae discloses the television content panel 42 and 44 (fig 3 and fig 4) include content from a television station 96 (fig 7) and internet content panel 46 (see fig 4) includes content from ISP web server 33 (see fig 1, fig 3, para [0031], [0032]).

Regarding claim 16, Macrae discloses method of an interactive television comprising displaying a gateway screen (see fig 3, fig 4 and fig 6) and enabling a consumer to receive information from ISP 33 (see fig 1 and fig 7) or 'web server' (see para [0023], [0032]) and television station 96 (see fig 7) via the gateway screen (see fig 3, fig 4 and fig 6, see para [0031] and para [0032]).

Macrae fails to disclose displaying the gateway screen in response to a user turning the television on.

In analogous art, Schaffa teaches a system in which upon **power-up** of the system by the user, the system initializes itself by displaying an EPG enabling a user to make a selection from among the choices displayed (see col. 4 lines 1 – 7).

Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Macrae to include the claimed displaying of the gateway screen upon initial energization of the television for the benefit of providing a user with automatic display of a menu/EPG enabling a user to more quickly and with less user interaction select a desired video or access related internet information.

Regarding claim 17, Macrae discloses a television content panel 42 and 43 and a internet content panel 46 (see fig 3 and fig 4).

Regarding claim 18, Macrae discloses displaying the gateway screen (see fig 3 and fig 4). Necessarily, the screen must be displayed when the TV is turned on.

Regarding claim 20, Macrae discloses the gateway screen (fig 3 and fig 4) is displayed when a user toggles an internet / TV button 56 or 'gateway screen button' on a remote control (see fig 5 and para [0031]).

Regarding claims 21 and 22, Macrae discloses the television content panel 42 and 44 (fig 3 and fig 4) include content from a television station 96 (fig 7) and internet content panel 46 (see fig 4) includes content from ISP web server 33 (see fig 1, fig 3, para [0031], [0032]).

Regarding claim 23, Macrae disclose a receiving a consumer input for selecting internet / TV button 56 via conventional remote control (see fig 5, para [0031], para [0032]) and establishing a gateway screen (see fig 3 and fig 4) based on the input.

Regarding claim 24, Macrae discloses a PIP circuit / processor 19 (see fig. 1) for combining data received from internet data memory 36 and tuner 11 for display on television 20 (fig 1). It is noted that PIP circuit / processor 19 inherently comprises a memory for generating the PIP gateway screen. Macrae fails to disclose wherein the gateway screen is stored in a memory within a television. Official Notice is taken it would have been notoriously well known to store a screen in a television to have the screen readily available for display. For example, in the television art, it would have been well known to store an EPG screen in a television to have the screen readily available for display upon a user's request. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Macrae

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to include the claimed storing in the gateway screen in the television for the benefit of having the gateway screen readily available for quick display per a user's request.

Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over Macrae et al (US 2004/0103439).

Regarding claim 27, Macrae discloses retrieving television content from an external VCR 17 (fig 1) and VCR 100 (fig 7) but fails to disclose wherein the television content panel is received from a storage associated with the television.

Official Notice is taken it would have been notoriously well known to include a memory in a television for storing content to eliminate the need for an external storage. For example, it would have been well known in the television art to include a RAM or even a VCR integrated into a television for storing content. Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to modify Macrae to include the claimed limitation for the benefit of having a more integrated apparatus by eliminating the need for an external storage.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vivek Srivastava whose telephone number is (571) 272-7304. The examiner can normally be reached on Monday – Friday from 9 am to 6 pm.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Kelley can be reached on (571) 272 – 7331. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vs
11/16/05



VIVEK SRIVASTAVA
PRIMARY EXAMINER